

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

In Re:

ALFREDO RODRIGUEZ
XXX-XX-2695

Case No.: 12-01316-BKT

Chapter 13

Debtor(s)

TRUSTEE'S MOTION REQUESTING ENTRY OF AN ORDER
TO CENTRO DE RECAUDACION DE INGRESOS MUNICIPALES (CRIM)

TO THE HONORABLE COURT:

COMES NOW, Jose R Carrion Morales, Standing Chapter 13 Trustee, very respectfully, **ALLEGES, STATES** and **PRAYS**:

1. On July 30, 2012, CENTRO DE RECAUDACION DE INGRESOS MUNICIPALES (CRIM) (herein "CREDITOR") filed a proof of claim in the amount of \$15,981.18, of which \$10,229.92 were classified as secured and \$5,751.26 as unsecured. **(POC No. 07-1)**.

2. On July 9, 2012, this Honorable Court entered an Order confirming Debtor's plan dated June 14, 2012. **(Docket No. 45)**. The confirmed plan provided for payments to the above described CREDITOR's proof of claim. In light of this, the Trustee commenced making disbursements to allowed claims filed and pursuant to 11 USC §502(a) and Rule 3021 of the Federal Rules of Bankruptcy Procedure ("FRBP"), according to the confirmed plan.

3. Later, on March 20, 2014, CREDITOR withdrew its proof of claim after significant participation in the Chapter 13 plan distribution.

5. The Trustee has disbursed \$563.15 to CREDITOR for the payment of the amount claimed in POC No. 07-1.

6. The Trustee is accountable of all funds received [11 U.S.C. § 704(A)/§ 1302(B)(1)]. Due to the fact that the Trustee can only make disbursements to allowed claims provided for in the confirmed plan (Rule 3021 FRBP), this amendment by CREDITOR would require the Trustee to recover all disbursements made in excess of the allowed claim.

7. Therefore, the Trustee hereby requests that this Honorable Court enter an Order directing CREDITOR to reimburse to Trustee the amount of \$563.15 paid in excess.

WHEREFORE, the Trustee respectfully requests that this Honorable Court enter an order instructing CENTRO DE RECAUDACION DE INGRESOS MUNICIPALES (CRIM) to reimburse the Trustee forthwith \$563.15.

14 day notice: Within fourteen (14) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P.9006(f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought therein, shall serve and file an objection or other appropriate response to this paper with the Clerk's office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the paper will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (ii) the requested relief is against public policy; or

(iii) in the opinion of the Court, the interest of justice requires otherwise.

CERTIFICATE OF SERVICE: The Chapter 13 Trustee certifies that a copy of this motion has been served by regular US Mail **on this same date to:** the DEBTOR(s) and her/his/their attorney and all Creditors and Parties in Interest to their respective address of record as they appear in the attached master address list to the address of record, if not an ECFS register user.

In San Juan, Puerto Rico this 2nd day of May, 2016.

/S/Alexandra Rodriguez

Staff Attorney

USDC-PR No. 224311

JOSE R. CARRIÓN-MORALES

CHAPTER 13 TRUSTEE

P.O. Box 9023884

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CGD

VERIFIED STATEMENT

The undersigned, of legal age and as employee of Jose R. Carrion, Chapter 13 Trustee Office, hereby certifies that on this same date, I personally and duly notified a true and exact copy of the attached motion to each party below listed.

ALFREDO RODRIGUEZ
PO BOX 18
LARES, PR 00669

CRIM
PO BOX 195387
SAN JUAN, PR 00919-5387

SECRETARY OF JUSTICE
DEPT. OF JUSTICE
FEDERAL LITIGATION DIVISION
PO BOX 9020192
SAN JUAN, PR 00902

ATTORNEY GENERAL
PO BOX 9020192
SAN JUAN, PR 00902-0192

ANDRES GARCIA ARREGUI*
PO BOX 11579
SAN JUAN, PR 00910-1579

In San Juan, Puerto Rico this Monday, May 2, 2016.



Chapter 13 Clerk